IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 9530 of 2007(I)

PETITIONER:

SUDHEESH KUMAR, S.R.K.VILLA,
NADIYANCODE, PARASUVACKEL,
NEYYATTINKARA, TRIVANDRUM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:

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1. THE KERALA STATE OF KERALA, REPRESENTED BY THE SECRETARY FOR TAXES, SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER OF EXCISE, GOVT. OF KERALA, TRIVANDRUM.

3. THE ASSISTANT EXCISE COMMISSIONER, TRIVANDRUM.

4. K.SASSI, S/O KUMARAPILLAI, MANAKKARALA HOUSE, THANCHANCODE, KUNNATHUKAL, NEYYATTINKARA, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007 ALONG WITH W.P.(C)NO.9263 OF 2007, THE COURT ON 20/03/2007 DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)Nos.9530 & 9263 OF 2007

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Dated this the 20th day of March 2007

JUDGMENT

The petitioner in W.P.(C)9263/07 was the licensee of the shop in question. He was involved in an Abkari offence. As of now the petitioner in W.P.(C)9263/07 has relinquished his right to conduct the toddy shop in question during Abkari year ending 2004. This means that he is not entitled to any preference under Rule 5(1)(a) of the Disposal Rules as amended by S.R.O. 222 of 07.

2. The petitioner in W.P.(C)9530/07 is the licensee of the shop in question for the three preceding Abkari years. If that be so, the question of his entitlement to preference on the basis of the aforesaid rule will be appropriately applied by the Abkari authorities in the matter of allotment for the Abkari year 2007-08.

3. The non-availability of preference would not disentitle the petitioner in W.P.(C)9263/07 to participate for consideration of allotment, if he is otherwise eligible.

These writ petitions are disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN, JUDGE

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